

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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**MINUTES OF THE MEETING  
OF THE  
BOARD FOR GEOLOGISTS AND GEOPHYSICISTS  
January 26, 2001**

**2535 Capitol Oaks Drive  
Sacramento, CA 95833-2926**

**1. CALL MEETING TO ORDER**

David Cummings, President, called the meeting to order at 8:35 AM.

**2. ROLL CALL TO ESTABLISH QUORUM**

David Cummings, President  
Dorene Dominguez, Vice President  
Karen Melikian  
Seena N. Hoose  
Sharon Jasek Reid

Others in attendance:

Paul Sweeney, Executive Officer  
Donald Chang, Legal Counsel, Department of Consumer Affairs  
Mary Lynn Ferreira, Associate Governmental Program Analyst  
Joseph Cota, Association of Engineering Geologists,  
Southern California Section  
George Dunfield, State Water Resources Control Board  
Karis Feldkamp, Department of Finance, Office of State Audits and  
Evaluations  
Tracy Ferrel, Department of Consumer Affairs, Office of Examination  
Resources  
Myla Forbes, Department of Consumer Affairs, Board Relations  
Sueann Gawel, Department of Consumer Affairs, Internal Audit Office  
Julius C. Isham, Chair, Legislative Committee  
Philip Jelichich, Bureau of State Audits  
Beth Jines, Office of Environmental Health Hazard Assessment  
Robert Lindblom  
Stacey Luna, Budget Analyst, Department of Consumer Affairs  
Karen Ostton, Department of Consumer Affairs, Internal Audit Office

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the  
Quality, Value and Availability of Geological and Geophysical Services Offered to the People of California*

Val Siebal, Office of Environmental Health Hazard Assessment  
Theodore Smith, Division of Mines and Geology  
Robert Tepel  
Julia Turney, Member, Technical Advisory Committee  
John Williams, Ph.D., Chair, Examination Committee  
Judith Wolen, Association of Engineering Geologists

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS**

There was no public comment.

**4. APPROVAL OF THE MINUTES OF THE BOARD MEETING OF  
DECEMBER 1, 2000**

**Ms. Reid moved to approve the minutes of open and closed sessions  
of the meeting of December 1, 2000.**

**Ms. Hoose seconded.**

**The motion passed by majority** (Aye – Cummings, Hoose, Melikian,  
Reid. Abstain – Dominguez)

**5. EXECUTIVE OFFICER'S REPORT**

Paul Sweeney, Executive Officer, reported:

- a.** Stacey Luna, Budget Analyst, Department of Consumer Affairs (DCA) reviewed expenditure projections for FY 2000-01, an authorized budget summary for FY 2000-01 and an analysis of fund conditions through FY 2003-04. Ms. Luna advised the Board that with the projected expenditures, there is an anticipated negative fund balance in FY 2002-03. The Board requested Ms. Luna to find the maximum amount and length of time other boards operated in a deficit condition.

**(Board Directive No. 01-01) – (Luna)**

Ms. Luna pointed out that in the 2001-02 Governor's Budget, the Department of Finance recommends approval of the Budget Change Proposal to establish a half-time Associate Engineering Geologist position and a half-time Office Assistant position.

- b.** Karis Feldkamp, Department of Finance, Office of State Audits and Evaluations (OSAE), reported that OSEA has contracted with DCA to assist in meeting the requirements of the Financial Integrity and State Managers' Accountability Act of 1983. OSEA is reviewing several DCA boards on DCA's behalf, looking at current processes and providing feedback and recommendations to improve the efficiency and operations of those controls. OSEA staff recently completed field work with the Board's staff and will be issuing a draft report that will be provided to Mr. Sweeney during an

official exit conference. OSEA will incorporate any response received from the Board in the final report.

Sueann Gawel and Karen Ostton of DCA's Internal Audit Office informed the Board that their office is fully staffed again and willing to help boards if they have weak internal controls. The Board suggested that the Internal Audit Office consider sharing exemplary practices of one board with the other DCA boards and bureaus.

Philip Jelichich, Bureau of State Audits, discussed with the Board the National Association of State Boards of Geology (ASBOG) audit. The Board concluded that a numbers audit of the past is not going to be performed and that the audit must focus on the financial accountability policy that is required. The Board directed Mr. Sweeney to send a letter to the ASBOG Board of Directors defining a financial policy audit and listing the procedures to be performed and to begin lobbying member states for support when the matter is voted on at the October 2001 Annual Meeting. Mr. Jelichich offered future assistance including reviewing Mr. Sweeney's letter to the ASBOG Board of Directors.

**(Board Directive No. 01-02) – (Sweeney)**

Ms. Hoose reported that Frank Turek, ASBOG President, requested that a California Board member be on ASBOG's Finance Committee that meets during the Annual Meeting. The Board agreed that a Board member should be a member of the Committee.

- c. Mr. Sweeney provided the status of and statistics on enforcement and complaint cases since the last meeting, pointing out that two citations and fines were issued.

The recruitment announcement for the Associate Engineering Geologist position was released. Mr. Sweeney offered the position to one candidate interviewed who declined the offer. He continues to recruit and interview.

- d. The Winter 2000 Newsletter is posted on the website, and the post card announcing its availability was sent this week. Staff sent copies of the newsletter to individuals who have requested that publications be sent to them because they do not have access to the Internet.

Information Bulletin No. 01-01 will be released in late February or early March 2001.

Mr. Sweeney provided a copy of the "Pacific Petroleum Geologist Newsletter" that contains an article on volunteer opportunities with the Board for geoscientists.

National Consumer Protection Week is February 2 through 9, 2001. DCA will sponsor Consumer Assistance Day on February 9, 2001, with a consumer outreach and education event at Florin Mall in Sacramento on February 9, 2001, from 2:00 to 9:00 PM. The Board will provide materials for the event.

- e. The website was updated to include in the menu a “Flex Your Power” icon that links to DCA’s energy conservation information.

Website hits should reach 30,000 by the end of the month.

- f. Mr. Sweeney provided a list of recommended publications to compile a library. The Board directed Mr. Sweeney to acquire the publications either through purchase or donations.

**(Board Directive No. 01-03) – (Sweeney)**

- g. Mr. Sweeney distributed his December 2000/January 2001 Executive Officer’s Activity Report.

- h. Mr. Sweeney distributed a new DCA organizational chart.

The Executive Management Committee met on January 16, 2001.

DCA is beginning a new project, the Professional Licensing and Enforcement Management System (PLEMS) to better support the licensing and enforcement activities. Mr. Sweeney is one of seven Executive Officers serving on the PLEMS Executive Steering Committee.

The Board staff is complying with the Stage 3 Energy Alert that has been in effect for several days.

Staff has changed the Board’s name on the Board seal and all documents.

Mr. Sweeney sent certificates of appreciation to all subject matter experts who participated in examination workshops during 2000.

**6. DISCUSSION OF ENFORCEMENT ISSUES, PERSONNEL MATTERS, EXAMINATION PROCEDURES AND RESULTS, ADMINISTRATIVE ADJUDICATION, AND PENDING LITIGATION**

The Board adjourned to closed session pursuant to subsection (a)(1) of section 11126 of the Government Code.

The open session of the meeting resumed.

**7. REPORT ON RESULTS OF CLOSED SESSION**

Mr. Cummings reported that the Board was going to discuss a personnel matter during closed session but determined that it was not appropriate.

**8. CONSIDERATION OF ACTION THAT MAY BE TAKEN WITH THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY CONCERNING THE REGISTERED ENVIRONMENTAL ASSESSOR PROGRAM**

Mr. Cummings introduced Val Siebal, Chief Deputy Director, Office of Environmental Health Hazard Assessment (OEHHA), and Beth Jines, Chief, OEHHA, Registered Environmental Assessor (REA) Program.

The Board, Ms. Jines, Mr. Siebal and Mr. Sweeney discussed the draft joint letter from the Board and OEHHA to environmental professionals clarifying the role of REA II registrants and Registered Geologists in site mitigation activities and made minor changes. The Board directed Mr. Sweeney to work with Ms. Jines to finalize and release the letter as soon as possible.

**(Board Directive No. 01-04) – (Sweeney)**

Mr. Sweeney and Ms. Jines agreed to notify each other when a complaint is received about the other agency's licensee/registrant.

**9. CONSIDERATION OF FUNDING FOR A BOOTH AT THE UPCOMING CALIFORNIA MINING ASSOCIATION ANNUAL CONFERENCE IN MONTEREY, MAY 23-25, 2001**

The Board agreed to staff a booth at the California Mining Association's Annual Conference on May 23 to 25, 2001, in Monterey.

**10. CONSIDERATION OF BOARD MEMBER (S) ATTENDANCE AT PUBLIC INTEREST LAW SUMMIT ON MARCH 23-24, 2001 IN SAN DIEGO**

Ms. Melikian will attend the Public Interest Law Summit hosted by the Center for Public Interest Law on March 23 and 24, 2001, in San Diego. Ms. Dominguez will serve as a backup if Ms. Melikian is unable to attend.

**11. CONSIDERATION OF DRAFT REGULATIONS THAT MAY BE ISSUED FOR PUBLIC COMMENT**

- a. The Board discussed proposed amendments to section 3008 on the use of Registered Geologist's and Registered Geophysicist's seals.

**Ms. Reid moved to notice for public hearing at the April 20, 2001, Board meeting proposed amendments to section 3008**

that prohibit the use of Registered Geologist's or Registered Geophysicist's seals on natural hazard disclosure reports and to refer additional proposed language on the use of seals to the Technical Advisory Committee for review and recommended amendments to the Board at the April 20, 2001, meeting .

Ms. Dominguez seconded.

The motion passed unanimously.

**(Board Directive No. 01-05) – (Mr. Sweeney  
Board Directive No. 01-06) - Technical Advisory  
Committee)**

- b. c. The Board discussed proposed amendments to section 3005 to reduce the fee for the ASBOG Fundamentals of Geology examination and to section 3031 to establish a five-year time limit for an applicant for registration as a geologist to receive credit for passing any of the three required examinations.

**Ms. Melikian moved to notice for public hearing at the April 20, 2001, Board meeting the amendments to section 3005 and to defer discussion on proposed amendments to section 3031.**

Ms. Reid seconded.

The motion passed unanimously.

**(Board Directive No. 01-07) – (Sweeney)**

The Board directed Mr. Sweeney to prepare a matrix of all individuals who would be affected by the proposed amendments to section 3031.

**(Board Directive No. 01-08) – (Sweeney)**

- d. On January 17, 2001, staff filed with the Office of Administrative Law section 100 nonsubstantive amendments to change the Board's name in sections 3000, 3003 and 3005.

**12. CONSIDERATION OF APPLICATION FOR REGISTRATION AS A GEOLOGIST UNDER SECTION 7847 OF ULRICH J. CORDON**

The Board considered Ulrich J. Cordon's Application for Registration as a Geologist under section 7847.

**Ms. Reid moved to approve Ulrich J. Cordon's Application for Registration as a Geologist under section 7847.**

Ms. Dominguez seconded.

**The motion passed unanimously.**

**13. TECHNICAL ADVISORY COMMITTEE REPORT**

Julia Turney, Technical Advisory Committee (TAC) member:

- a. TAC last met on November 3, 2000, which was reported at the last Board meeting. Ms. Turney briefly reviewed the actions taken at that meeting.

The Board considered applicants for appointment to TAC. The Board received correspondence, dated January 25, 2001, from Robert Larson, TAC Chair, in which he recommended the appointment of Roy J. Shlemon, Ph.D.

**Ms. Hoose moved to appoint Roy J. Shlemon as a member of the Technical Advisory Committee.**

**Ms. Reid seconded.**

**The motion passed unanimously.**

TAC will review applicants for the geophysicist member vacancy at its March 23, 2001, meeting.

**14. LEGISLATIVE COMMITTEE REPORT**

J. C. Isham, Chair, Legislative Committee:

- a. The Committee will meet when the legislation containing the revisions to the Geologist and Geophysicist Act (Act) is introduced to formulate strategies for tracking and lobbying the bill.

**15. EXAMINATION COMMITTEE REPORT**

John Williams, Ph.D., Chair, Examination Committee:

- a. Tracey Ferrel, Ph.D., DCA, Office of Examination Resources (OER), reported that OER recently submitted to Mr. Sweeney the final validation reports for the Registered Geologist and Certified Engineering Geologist occupational analyses. OER held the second Certified Engineering Geologist examination development workshop where the items written in the two-day item-writing workshop were reviewed by another independent group of Certified Engineering Geologists. Dr. Ferrell gave Mr. Sweeney seventy-five new examination items. She explained that these items addressed the Board's concerns regarding the length of previous

items while still following OER's item-writing standards. Dr. Ferrell also provided a list of references used and an applicant guideline. OER will conduct workshops in February 2001 to perform item development for the California-Specific Examination.

Ms. Reid reported that she attended an item-writing workshop and found that the training was excellent and the participants were enthusiastic. She suggested that participants be interviewed as another way to advertise that not only does the Board need participants but that it is enjoyable and professionally rewarding. Ms. Reid also commented that no one believes that multiple-choice questions can be crafted to exercise the intellect to the extent that a problem does. She suggested that the Examination Committee convert a current problem to multiple-choice questions as an example of how it can require as much thought and test as much expertise, experience and education.

Dr. Williams reported that Dr. Tracy will attend future Committee meetings on a regular basis.

- b. Mr. Sweeney reported that OER is processing the contract with Expor to allow administration of the California-Specific Examination at Expor's testing locations approved by OER. He advised the Board that there are policy issues that it must address such as the frequency that an applicant can take the examination and whether the Board will continue to offer the examination at the same time the ASBOG examinations are administered. At its February 16, 2001, meeting, the Examination Committee will consider the matter and adopt recommendations to the Board for its consideration at the April 20, 2001, Board meeting.

Mr. Sweeney advised the Board that he plans to present a legislative proposal for its consideration at the April 20, 2001, meeting to eliminate the requirement that an applicant for licensure as a Registered Geologist must pass a California-Specific Examination.

- c. The Board received attendance and performance statistics for the Fall 2000 examinations and attendance statistics for the Spring 2001 examinations.

Ms. Dominguez thanked Dr. Williams for his presentation and remarks at the ASBOG Annual Meeting.

## **16. ENFORCEMENT OVERSIGHT COMMITTEE REPORT**

- a. Ms. Hoose advised the Board that the Enforcement Oversight Committee only meets twice a year and has not met since the last Board meeting.



**17. REPORT ON THE BOARD'S SUBMITTAL OF THE REVISED ACT TO THE LEGISLATURE**

Mr. Sweeney reported that Robin Hartley, Consultant for the JLSRC, recently met with Bill Gage, Chief Consultant for the Senate Business and Professions Committee, and Senator Liz Figueroa, author of the JLSRC omnibus bill. Senator Figueroa agreed to include the amendments to revise the Act in the omnibus bill. Mr. Sweeney will inform the Board members of the bill number as soon as a number is assigned.

The Board received a copy of a letter, dated January 20, 2001, from John Wolfe, regarding prior distribution of information regarding the revised Act to affected individuals and organizations. The Board directed Mr. Sweeney to send a letter to Mr. Wolfe advising him that his letter was distributed to the Board members by fax and mail and is part of the meeting record and informing him of the numerous times information regarding the revised Act was disseminated, discussed at public meetings and posted on the Board's website.

**(Board Directive No. 01-09) – (Sweeney)**

The Board discussed sections of the current Act proposed to be either amended into other sections of the Act or deleted. The Board agreed that section 7872 should not be deleted as proposed in the revisions but should be retained with only subsection (h). The Board directed Mr. Sweeney to inform Ms. Hartley of this change.

**(Board Directive No. 01-10) – (Sweeney)**

The Board also directed Mr. Sweeney to add to the booklet containing the Act and the Rules and Regulations the general Business and Professions Code and Administrative Procedures Act sections that include provisions contained in the Act proposed for deletion because of duplication.

**(Board Directive No. 01-11) – (Sweeney)**

The Board discussed strategy for moving forward with this legislation including working closely with Ms. Hartley and informing and conferring with stakeholders.

**18. REPORT FROM THE BOARD'S SUBCOMMITTEE THAT IS GATHERING EVIDENCE TO SUPPORT A POTENTIAL BOARD POSITION REGARDING EXPERIENCE REQUIREMENTS FOR ADMITTANCE TO THE BOARD'S EXAMINATIONS**

The Board received a copy of the subcommittee's report, "Experience Requirements for Admittance to the Board's Examinations." The Board discussed, with input from the public, the subcommittee's conclusion that its evaluation of the level of experience, knowledge and skill needed to perform the practice of geology at the level of minimum competency should remain at five years for California applicants with a bachelor's degree in geology.

**Ms. Hoose moved to accept the subcommittee's report and recommendation that the experience requirement for an applicant for licensure as a Registered Geologist with a bachelor's degree in geology should remain at five years.**

**Ms. Melikian seconded.**

**The motion passed by majority.** (Aye – Hoose, Melikian, Reid. No – Cummings, Dominguez)

**19. REPORT ON THE PENDING REVISION TO THE BOARD'S STRATEGIC PLAN FROM THE BOARD'S STRATEGIC PLANNING COMMITTEE**

Mr. Cummings and Ms. Reid reported that the Strategic Planning Committee will meet on February 2, 2001. They requested other Board members to submit proposed revisions to the Strategic Plan and the Mission Statement prior to the meeting.

**20. REPORT FROM BOARD ATTORNEY ON STATUS OF ASSIGNMENTS**

Gary Duke, Legal Counsel, was not in attendance at the meeting. Therefore, there was no report on the status of assignments.

**21. ANNOUNCEMENTS/ACTIVITIES OF BOARD MEMBERS**

Board members did not have any announcements or activities to report.

**22. ESTABLISH AGENDA FOR APRIL 20, 2001, BOARD MEETING IN SACRAMENTO WITH NOTIFICATION THAT ITEMS MUST BE SUBMITTED TO BOARD OFFICE NO LATER THAN MARCH 29, 2001**

Mr. Cummings requested that Board members submit agenda items to Mr. Sweeney by March 29, 2001.

The Strategic Plan and the revised Act will be on the agenda.

**23. ADJOURN MEETING**

Mr. Cummings adjourned the meeting at 2:15 PM.

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**DAVID CUMMINGS, President**

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**PAUL SWEENEY, Executive Officer**

**Date Approved:** April 20, 2001

